



MAR 29 2002

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In re Application of :
Nishikawa et al. :
Application No.: 09/926,355 :
Int. Appl. No.: PCT/JP00/02573 :
Int. Filing Date: 20 April 2000 : DECISION
Priority Date: 20 April 1999 :
Attorney Docket No.: P21587 :
For: Tricyclic Compound :

This is a decision on applicant's response filed on 19 February 2002.

BACKGROUND

This international application was filed on 20 April 2000 and claimed an earlier priority date of 20 April 1999. The International Bureau transmitted a copy of the published international application to the USPTO on 26 October 2000. A Demand electing the United States was filed on 20 April 2000, which was prior to the elapse of 19 months from the priority date. Consequently, the thirty period for payment of the basic national fee in the United States expired as of midnight on 20 October 2001.

On 19 October 2001, applicants filed a Transmittal Letter accompanied by, *inter alia*, the basic national fee and an unexecuted declaration of the inventors.

On 28 November 2001, a Notification of Missing Requirements was mailed to applicants, requiring the filing of an executed oath or declaration and a surcharge under 37 CFR 1.492(e).

Applicants filed the instant response on 19 February 2002.

DISCUSSION

The response filed on 19 February 2002 included a signed declaration. However, the declaration named an inventor whose name (Naomi Masuda) differed from the name appearing in the published international application (Naomi Takei). The "Cover Letter" filed on 19 October 2001 suggests that this discrepancy is "due to marriage." However, applicants have not filed a petition and petition fee as described in MPEP 605.04(c), including an appropriate affidavit or court order. Thus, the declaration is not acceptable.

DECISION

For the reasons explained *supra*, the declaration filed on 19 February 2002 is not acceptable.

If reconsideration on the merits of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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